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## Judge says jury should determine murder suspect's sanity

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Tags: aggravated first-degree murder Chris Bugbee Cole Strandberg crossbow Eastern State Hospital Jennifer Bergeron Judge Tari Eitzen Mark Cipolla

A Spokane County jury will now decide whether Cole K. Strandberg should face life imprisonment or indefinite commitment to a mental institution after a judge concluded he was sane in 2008 when he shot a woman with a crossbow.

Superior Court Judge Tari Eitzen was highly critical of the review of Strandberg's case by mental health professionals at Eastern State Hospital, but Thursday found that the 24-year-old mentally ill man probably was not insane on Jan. 7, 2008, when authorities say he killed 22-year-old Jennifer Bergeron.

"I cannot find ... that Mr. Strandberg was insane at the time of the act," Eitzen said. "But the question should be submitted to the jury."

The trial for aggravated first-degree murder is set for May 16, but attorneys for both sides indicated in court that a delay is likely.

Eitzen spoke at length about the factors she considered before deciding the insanity issue. But she had particularly critical comments about the diagnosis and opinions offered by doctors at Eastern State Hospital, who suggested Strandberg was not mentally ill and was faking symptoms to get out of his murder charge.

"I feel compelled to say the credibility of Eastern State Hospital is compromised," she said. "I cannot remember seeing a more well-documented history of mental illness coming before me."

She added: "I do have a difficulty with him going to Eastern State Hospital for the care that he needs."

But then she ruled against sending Strandberg to a mental institution.

Spokane County Deputy Prosecutor Mark Cipolla successfully argued to send the case to trial. He joined others in criticizing the local safety net for mentally ill people.

Testimony included descriptions from Strandberg's caseworker from Spokane Mental Health, who called that organization's crisis hotline two months before the killing, warning that Strandberg talked about wanting to kill someone.

Nothing in the records suggests anyone responded, but the caseworker, Cherie Dean, testified that her supervisor after the killing ordered her to change her official records documenting her contacts with Strandberg.

"The mental health system is broken," Cipolla said. "Spokane Mental Health had an opportunity to act and did not do so. That is probably the biggest tragedy. The system has failed (Strandberg). We failed him.

"But that's not the issue. The issue is whether he was insane when he killed Jennifer Bergeron," he said. Just "because he is a paranoid schizophrenic doesn't mean that he can't make choices."

Defense attorney Chris Bugbee, who again ripped Eastern State Hospital officials for their handling of the case, said his client has a rare form of schizophrenia, called early-onset, which hinders Strandberg's ability to determine reality from his delusional world. In that world, Strandberg hears commands from a fictional drill sergeant named "Smokey Kaiser" who told him that he needed to kill a young woman to prove his manhood.

"If you make a choice based on an insane state of mind, that's insanity," Bugbee said.

But Eitzen, who noted "a lot of failures along the way," said Bugbee needed to show more than Smokey Kaiser telling Strandberg to kill.

"We need more than delusions," she said. "It's extremely difficult to tell ... when he is in his delusional world or not. We see persons with paranoid schizophrenia who do not commit violent acts. This is not a decision I made lightly."

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